

tute, to be before the Justices at their Sessions, to answer to their said Defaults. But these may seem also to have been warranted, and so appointed by the Statute of Labourers, made *An. 25 E. 3. c. 6.* which Statute is now repealed by the Statute of 5 *El. 4.*

Also it is usual (by way of prevention) to bind by Recognizance such as do tramel for Larks, that they shall destroy no Partridges; as also to bind by Recognizance Butchers and all Victuallers, that they shall not kill nor dress any Flesh in Lent time, contrary to the Laws. And for these purposes the Justices of Peace do grant out their Warrants to convene the said persons before them, For Victuallers, (*sc.* Taverners, Inn-keepers, Alehouse-keepers, keepers of Ordinary Tables, and other Victuallers) I have known sundry Proclamations which seem to warrant the Justices of Peace therein. But for the other, what Law or Warrant there is for it I know not, until the Offender is convicted. See *hic tit. Partridges.* Yet see *antea*, where the Justices may in some cases grant their Warrants against Offenders upon Penal Statutes. 'But there the Justices have power to hear and determine out of the Sessions.

'Also where the offence prohibited by such a Statute amounteth to the Breach of the Peace or Good Behaviour, there it seemeth the Justice may (either upon discretion or complaint of such an offence and breach of the Statute) grant out his Warrant, and bind over the Offender to the next Quarter-Sessions, &c. to answer his said Default, and in the mean time to be of the Good Behaviour. See *hic, Servants assaulting their Master.*

The Justice of Peace may direct his Precept or Warrant to the Sheriff, Bailiff, Constable, or other Officer, or to any other indifferent person by name, though he be no Officer, yea to any person that he shall think meet; but yet the safest way is to direct it to the Constable, or to some other sworn Officers. §. 7.
To whom directed.

A Warrant directed by the Justice of Peace to the Constable, or other sworn Officer, and to a stranger, who is no Officer, and the Warrant is made *conjunctim & divisim*, and is delivered to the stranger, who executeth it; all this is good.

A Warrant directed by the Justice of Peace to two men jointly, to arrest another, &c. yet any one of them alone may do it.

A Warrant directed by the Justice of Peace to the Sheriff, he may by word command his Undersheriff, Bailiff, or other known or sworn Officer, to serve it, without any Precept by writing.

And so the Sheriffs servant, or other person by the Sheriffs commandment, and as servant to the Sheriff, may serve or execute such Warrant without any Precept by writing. See *Br. Fx. Impr. 43. & Trespass 339.*

But otherwise if the Sheriff will command another man (that is a stranger) to serve it, he must deliver him a Precept in writing; otherwise a Writ of False Imprisonment will lie for the Arrest.

A Warrant directed by the Justice of Peace to the Sheriffs Bailiff, or to the Constable, or to the Justices servant, or to a stranger, to arrest one, &c. such person (to whom the Warrant is made) must serve it himself, for these can command none other to do it neither by word nor writing, nor make any Deputy.

The Officer to whom any Warrant shall be directed and delivered, ought with all speed and secrecie to seek and find out the party, and then to execute the said Warrant. §. 8.
The Officers Duty.